

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 75

SENATE BILL 1029

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 38-1103; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 8, article 1, Arizona Revised Statutes,
3 is amended by adding section 38-1103, to read:

4 38-1103. Discipline of law enforcement officers; definitions

5 A. A LAW ENFORCEMENT OFFICER SHALL NOT BE SUBJECT TO DISCIPLINARY
6 ACTION EXCEPT FOR JUST CAUSE.

7 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY LAW ENFORCEMENT
8 OFFICER WHO HAS NOT COMPLETED AN INITIAL PROBATIONARY PERIOD IF A
9 PROBATIONARY PERIOD IS REQUIRED BY THE EMPLOYER OR TO A DISMISSAL THAT IS FOR
10 ADMINISTRATIVE PURPOSES, INCLUDING A REDUCTION IN FORCE.

11 C. THIS SECTION DOES NOT PREEMPT AGREEMENTS THAT SUPPLANT, REVISE OR
12 OTHERWISE ALTER THE PROVISIONS OF THIS SECTION, INCLUDING PREEXISTING
13 AGREEMENTS, BETWEEN THE EMPLOYER AND THE LAW ENFORCEMENT OFFICER'S LAWFUL
14 REPRESENTATIVE ASSOCIATION.

15 D. FOR THE PURPOSES OF THIS SECTION:

16 1. "DISCIPLINARY ACTION" HAS THE SAME MEANING PRESCRIBED IN SECTION
17 38-1101.

18 2. "JUST CAUSE" MEANS:

19 (a) THE EMPLOYER INFORMED THE OFFICER OF THE POSSIBLE DISCIPLINARY
20 ACTION RESULTING FROM THE OFFICER'S CONDUCT THROUGH AGENCY MANUALS, EMPLOYEE
21 HANDBOOKS, THE EMPLOYER'S RULES AND REGULATIONS OR OTHER COMMUNICATIONS TO
22 THE OFFICER OR THE CONDUCT WAS SUCH THAT THE OFFICER SHOULD HAVE REASONABLY
23 KNOWN DISCIPLINARY ACTION COULD OCCUR.

24 (b) THE DISCIPLINARY ACTION IS REASONABLY RELATED TO THE STANDARDS OF
25 CONDUCT FOR A PROFESSIONAL LAW ENFORCEMENT OFFICER, THE MISSION OF THE
26 AGENCY, THE ORDERLY, EFFICIENT OR SAFE OPERATION OF THE AGENCY OR THE
27 OFFICER'S FITNESS FOR DUTY.

28 (c) THE DISCIPLINE IS SUPPORTED BY A PREPONDERANCE OF EVIDENCE THAT
29 THE CONDUCT OCCURRED.

30 (d) THE DISCIPLINE IS NOT EXCESSIVE AND IS REASONABLY RELATED TO THE
31 SERIOUSNESS OF THE OFFENSE AND THE OFFICER'S SERVICE RECORD.

32 3. "LAW ENFORCEMENT OFFICER" MEANS:

33 (a) AN INDIVIDUAL WHO IS CERTIFIED BY THE ARIZONA PEACE OFFICER
34 STANDARDS AND TRAINING BOARD, OTHER THAN A PERSON EMPLOYED BY A MULTI-COUNTY
35 WATER CONSERVATION DISTRICT, A RESERVE POLICE OFFICER, A VOLUNTEER OR A
36 PERSON WHO IS OTHERWISE EXEMPTED BY AN EXISTING MERIT SYSTEM.

37 (b) A CORRECTION OFFICER OR DETENTION OFFICER, EXCLUDING A JUVENILE
38 DETENTION OFFICER, WHO IS EMPLOYED BY THIS STATE OR A POLITICAL SUBDIVISION
39 OF THIS STATE.

40 (c) A REGULARLY APPOINTED AND PAID DEPUTY SHERIFF OF A COUNTY.

41 (d) A REGULARLY EMPLOYED POLICE OFFICER IN A CITY OR TOWN.

~~APPROVED BY THE GOVERNOR APRIL 16, 2010.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.~~